

Q. # 900

Document No. 219P (85)
Br. Ex. 119

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO
THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1126

TOKYO, November 24, 1938.

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It has recently been brought to the attention of my Government that the Chinese Maritime Customs at Canton was taken over by the Japanese consular and military authorities on November 9, 1938, and that the acting deputy commissioner in charge was informed by those authorities that no customs funds then owing or there in banks right be transferred to the Inspector General of Customs without the permission of the Japanese authorities.

Accordingly, acting under instructions from my Government, I have the honor formally to protest against the taking over of the Chinese Maritime Customs House at Canton by the Japanese authorities. My Government is of the opinion that this reported action constitutes an infringement of the international status of the Chinese Maritime Customs. . . .

Foreign Relations I, p. 746 at
p. 747

6e990 2/9 P(85)

駐日公使(元) / Grew / 發日本公使大臣宛
板草

第一一二六號

東京

一九三八年十一月二十四日

在廣東支那海關、日本領事及軍官憲三依り一九三八年十一月九日
接收了受、且是等官憲三責任者即總關長代理が當時
保有或、同地、銀行三保管中り、税関資金、日本官憲、承
認、予税関監察長官、手、移ス事、移通書ヲ受、事官
最近我が政府、注意ヲ引、計、ナリ。
従、本官、我が政府、訓令、従、在廣東支那海關が日本
官憲三依り接收サ、事、對、正式三抗議申入、ラ、ス、次第
ナ、我が政府、此、報告、ス、ニ、行為、支那海關、國際的此步
、侵害ヲ構成ス、ニ、ナ、ト、見解、有、ニ、ナ、リ。

外交關係

I.

二四七頁

二四七頁

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Br. Ex. 120

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpts.

No. 1153

TOKYO, December 30, 1938.

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In the light of facts and experience the Government of the United States is impelled to reaffirm its previously expressed opinion that imposition of restrictions upon the movements and activities of American nationals who are engaged in philanthropic, educational and commercial endeavors in China has placed and will, if continued, increasingly place Japanese interests in a preferred position and is, therefore, unquestionably discriminatory in its effect against legitimate American interests. Further, with reference to such matters as exchange control, compulsory currency circulation, tariff revision, and monopolistic promotion in certain areas of China the plans and practices of the Japanese authorities imply an assumption on the part of those authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces are entitled to act in China in a capacity such as flows from rights of sovereignty and further in so acting to disregard and even to declare nonexistent or abrogated the established rights and interests of other countries including the United States.

The Government of the United States expresses its conviction that the restrictions and measures under reference not only are unjust and unwarranted but are counter to the provisions of several binding international agreements, voluntarily entered into, to which both Japan and the United States, and in some cases other countries, are parties.

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The Government of the United States in its note of October 6 requested, in view of the often reiterated assurances proffered by the Government of Japan of its intention to observe the principle of equality of opportunity in its relations with China and in view of Japan's treaty obligations so to do, that the Government of Japan abide by these obligations and carry out these assurances in practice.

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The Japanese Government in its reply appears to affirm that it is its intention to make its observance of that principle conditional upon an understanding by the American Government and by other governments of a "new situation" and a "new order" in the Far East as envisaged and fostered by Japanese authorities.

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This country's adherence to and its advocacy of the principle of equality of opportunity do not flow solely from a desire to obtain the commercial benefits which naturally result from the provisions of that principle. They flow from a firm conviction that observance of that principle leads to economic and political stability, which are conducive both to the internal well-being of nations and to mutually beneficial and peaceful relationships between and among nations; from a firm conviction that failure to observe that principle breeds international friction and ill-will, with consequences injurious to all countries, including in particular those countries which fail to observe it; and from an equally firm conviction that observance of that principle promotes the opening of trade channels thereby making available the markets, the raw materials and the manufactured products of the community of nations on a mutually and reciprocally beneficial basis.

The principle of equality of economic opportunity is, moreover, one to which over a long period and on many occasions the Japanese Government has given definite approval. It is one to the observance of which the Japanese Government has committed itself in various international agreements and understandings. It is one upon observance of which by other nations the Japanese Government has of its own accord and upon its own initiative frequently insisted. It is one to which the Japanese Government has repeatedly during recent months declared itself committed.

The people and the Government of the United States could not assent to the establishment at the instance of and for the special purposes of any third country of a regime which would arbitrarily deprive them of the long established rights of equal opportunity and fair treatment which are legally and justly theirs along with those of other nationals.

Fundamental principles such as the principle of equality of opportunity which have long been regarded as inherently wise and just which have been widely adopted and adhered to, and which are general in their application are not subject to nullification by a *unilateral affirmation*

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In the light of these facts, and with reference especially to the purpose and the character of the treaty provisions from time to time solemnly agreed upon for the very definite purposes indicated, the Government of the United States deprecates the fact that one of the parties to these agreements has chosen to embark--as indicated both by action of its agents and by official statements of its authorities--upon a course directed toward the arbitrary creation by that power by methods of its own selection, regardless of treaty pledges and the established rights of other powers concerned, of a "new order" in the Far East. Whatever may be the changes which have taken place these matters are of no less interest and concern to the American Government than have been the situations which have prevailed there in the past, and such changes as may henceforth take place there, changes which may enter into the producing of a "new situation" and a "new order", are and will be of like concern to this Government. This Government is well aware that the situation has changed. This Government is also well aware that many of the changes have been brought about by the action of Japan. This Government does not admit, however, that there is need or warrant for any one Power to take upon itself to prescribe what shall be the terms and conditions of a "new order" in areas not under its sovereignty and to constitute itself the repository of authority and the agent of destiny in regard thereto.

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The Government of the United States has at all times regarded agreements as susceptible of alteration, but it has always insisted that alterations can rightfully be made only by orderly processes of negotiation and agreement among the parties thereto.

The Japanese Government has upon numerous occasions expressed itself as holding similar views.

The United States has in its international relations rights and obligations which derive from international law and rights and obligations which rest upon treaty provisions. Of those which rest on treaty provisions, its rights and obligations in and with regard to China

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rest in part upon provisions in treaties between the United States and China and in part on provisions in treaties between the United States and several other powers including both China and Japan. These treaties were concluded in good faith for the purpose of safeguarding and promoting the interests not of one only but of all of their signatories. The people and the Government of the United States cannot assent to the abrogation of any of this country's rights or obligations by the arbitrary action of agents or authorities of any other country.

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Foreign Relations I, p. 820
at pp. 821-825

駐日米國大使(グー) GREW ヨリ日本外務大臣
(有田)へ披露

Doc 219P(86)

第二五三号

東京 一九三八年十二月三十日

事實並三經驗三昭々合衆國政府、曩三表明セル見解ヲ再確言セザルヲ得ズ。即チ支那ニ於テ慈善、教育並ニ商業方面、努力ニ從事スル米國人、運動及ビ活動ニ対スル制限、賦課、日本、權益ヲ侵蝕シ、地位ニ置クモノニシテ、又モシ繼續スルナラバ、益々此傾向ヲ濃化スルモノト看スル。又ソレ故制限賦課ノノ、效果ニ於テ合法的ニ米國ノ權益ニ対シ疑ヒモテ、差別的ナルモノナリト言フコトナリ。

更ニ爲督管理強制通貨流通周旋改正及ビ支那、或ル地域ニ於テ独占事業、計画等、如キ事柄ニ関シ、日本當局、計画並ニ實施ハ日本政府、或ハ日本武裝セル軍隊ニ依リ支那ニ創設、又持セシル政權ガ支那ニ主權、權限ニ由ラズルガ如キ權能ヲ持テ行動シ、又更ニソノ權ニ行動スルニ依リ、合衆國、合タル諸外國、既得權益ヲ無視シ、剝奪シ其不存在或ハ廢棄ヲ宣言シタリタル資格ヲ有スルガ如キニ、等當局側ノ越權ヲ意味セリ。合衆國政府、以下、如キ、所信ヲ表明ス。即チ問題、諸制限並ニ措置、單ニ不正ニシテ不當ナルモノナラズ、日米兩國並ニ或ル場合ニ、他、諸國ニ締約國ニシテ、且合意、下ニ加盟セル數個、拘束的國際協定、條項ニ及スル事ナリ。

支那ト、關係ニ於テ機會均等、原則ヲ遵奉スル意志ニシテ日本政府が與ヘタル屢次、保証並ニ之ヲ踏襲セシ日本條約上、義務ニ鑑ミ、合衆國

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政府、其十月六日、復書に於て日本政府が、此等義務ヲ遵守シ、此等保證
ヲ實際ニ履行スル事ヲ要セリ。

日本政府ハ、其回答中ニ日本當局ニ依リ直覺ヲ助長セラルル東亞ニ於ケル
「新状況」及「新秩序」ヲ米國政府並ニ他諸政府ガ諒解スルト云フ條件
下ニ、原則ヲ遵奉スルコトガ、此等事ヲ肯定スル様見受ケル所ナリ。

x x x x x x x

此國ノ機會均等原則、固キニ唱導ス、此ノ原則ノ規定ニ依リ、當然ニ前
ニ於ケル商業上ノ利益ヲ得ントスル單ナル欲求ニ由來スルモノニ、此等原則
則ヲ遵守スルコトハ、諸國民、國內ニ於ケル福祉並ニ諸國民間相互ニ
有益且平和ナル親睦關係ヲ築キ、經濟的、政治的安定ヲ齎スル
云々確固ニ信念ニ由來スルモノナリ。更ニ、此等原則ヲ遵守スルコトヲ
怠ルハ、凡テ、國、就中遵守スル諸國家ニ對シテ、將ニ有害ナル結果
ヲ伴フ國際間ノ軋及ニ、敵愾心ヲ生ズルモノト、確信ヨリ出ツルモノ
ナリ。或ハ、又此等原則ヲ遵守スルコトハ、諸國民、共同社會、市場、原
料及ニ糧穀等ヲ相互ニ互惠的ニシテ、有利ナル條件下ニ利用、得セムル様
貿易路開拓ヲ促進スルモノナリト、確ク信ズルガ故ナリ。

更ニ經濟的機會均等、原則ハ長期ニ亘リ且ツ多ク、機會ニ於テ日本
政府ガ明確ナル積意ヲ與ヘタル所ナリ。又種々、國際協定

及ニ諒解ニ於テ日本政府ガ夫レ自身其遵守ヲ約束シタルモノナリ。

又ハ、他諸國家ガ遵守スル事ヲ日本政府ガ自ラ同意シ、且自ラ、發表スル
ニ屢次主張シタルモノナリ。其ハ日本政府ガ最近數月間自ラ之ヲ
ニ拘束サル、モノナリ事ヲ反覆ニ明セタル所ナリ。

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合衆國ノ国民並ニ政府ノ合法的ニ且正当ニ獲得スルモノハ機會均等
及公正ナル待遇ニ對スル長キ間ニ打違ハサル權利ニモ他諸國民ノ斯
ル權利ト併行スル權利ヲ勝手ノ氣儘ニ剝奪セシメスル政權ヲ第三國、
或ルモノ身勝手ナル要求及ビ特殊目的ノ下ニ建設セシメスルモノニ同意
難キナリ。

長キ間本質的ニ透明且正当ナルモノト認メラルヘ廣ク採用サレ且遵守セ
ルノ適用ノ普遍的ニ機會均等ノ原則ノ如キ基本原則ハ一方の
主張ニ依リ無効ニ歸セラルベキモノニ非ズ。

x x x x x x

ニ對シテ、諸事實實ニ照シ又既ニ示サタル極メテ明確ナル目的ノ下ニ屢次
嚴密ニ協定セシムル諸條約ノ條項ノ目的並ニ性格ニ関シ、合衆國
政府以下ノ事實ヲ非トスルモノナリ。即チニ等條約ノ締約國ノ一
カ一ソノ出先機関行動並ニノ官憲ノ公式ニ明ニ依リ示サレタリ。條
約ニ、誓約及ビ他關係列強ノ既得權利ヲ無視シ、ソノ力ニ依リ又自
ラ撰擇セル手段ニ依リ、東亞ニ於ケル「新秩序」ヲ勝手ニ創造スルガ
爲ニ何ヲ措路ヲ撰擇モ主事ナリ。發生シタル諸種ノ變化如何ナル
モノナリトモニ等ノ事柄ハ米國政府ニトリ過云ニ於テ其處ニ存在セシ
諸狀勢ト同様興味及関心ヲ誘フモノナリ。又今後其他ニ起ルベキ變
化即チ「新狀勢」及「新秩序」ノ創造ニ関スルモノモ知テ其變化ハ當政府
ト「現在及ビ將來トモ同様関心ノ對象トナルモノナリ。

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又當政府ハニ等變化ガ日本ノ行動ニ依リ、負ラサレタモノナルコトヲ充分承
知シ又政府モ日本ノ行動ノ煩雜ニ變化セル事ヲ知ル所ナリ。

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Br. Ex. 121

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1207

TOKYO, March 11, 1939.

EXCELLENCY: The renewed attention of Your Excellency is invited to my note No. 1178, dated February 6, 1939, relating to the imposition by the Japanese naval authorities at Chefoo of various restrictions on the shipment of merchandise, to the informal memorandum relating to unwarranted restrictions placed upon American personal and business interests in Tientsin which was left by the Counselor of the Embassy on (with) the Director of the American Bureau of the Foreign Office on February 6, 1939, and to the aide memoire which was left at the Foreign Office on March 8, 1939, in which the hope was expressed that, in view of the continued imposition of such restrictions at Tientsin, necessary steps would immediately be taken to alleviate those restrictions.

From various sources the Government of the United States has received further information to the effect that the Japanese sponsored regime in North China, with the support of the Japanese authorities, has brought about the imposition of drastic trade restrictions, including the requirement of export permits and controlled money exchange.

The Government of the United States regards these export restrictions as the most comprehensive discrimination against the United States and other foreign countries and in favor of Japan which has yet been established in North China by Japanese authorities and as a virtual nullification in that area of the principle of equal opportunity so far as import and export are concerned.

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Foreign Relations I, pp. 831-832

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Foreign Relations I, pp. 831-832

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駐日米大使(ブル) GREEN 宛 日本外務大臣(有田)宛

被 達

第二〇七号

東京、一九三九年三月十一日

閣下、在芝罘日本海軍当局ニヨリ加へられし商品出荷ニ対スル
諸種ノ制限ニ関スル一九三九年二月六日附拙翰第二七八号、
一九三九年二月六日駐大使館参事官ニヨリ貴外務省アメリカ局
長ニ提出セラレタル天津ニ於ケル米國人ノ個人的及ビ商業上、
利害関係ニ加ヘラレタル不平等ノ制限ニ関スル非公式覚書及ビ天津
ニ於テ引續キ行ハル居ル此種制限ノ実施ニ鑑ミ、之等制限ヲ
緩和スル極必要ノ手段ヲ即時採ラシタキ日希望ヲ表明セル
一九三九年三月八日貴外務省へ提出ノ覚書、以上ニ対シ、改テ
閣下、御注意ヲ喚起致候。

合衆國政府ハ更ニ種々ナル方面ヨリ、日本ノ支援下ニアル北支
政權ガ日本官憲支持ノ下ニ輸出許可制及ビ為替統制ヲ
含ム徹底的貿易制限ヲ設クルニ到リタリトノ情報ヲ得居
リ候

合衆國政府ハ之等輸出制限ガ日本官憲ニ依リ北支ニ於テ既
ニ設定セラレタル、合衆國及ビ其ノ他ノ諸外國ニ対スル最モ包括
的ナル差別待遇カモ日本ヲ利スル差別的待遇ニシテ、且
輸出入ニ関スル限り同地域ニ於ケル機会均等ノ原則ノ實質
上ノ廢棄ヲ意味スルモノナリト見做スモノニ有之候

外交関係 I

八三一—八三二頁

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 Br.

THE AMERICAN CHARGE IN JAPAN (DOOMAN) TO THE JAPANESE
 MINISTER FOR FOREIGN AFFAIRS (ABE)

Excerpts.

No. 1366

TOKYO, September 1, 19.

EXCELLENCY: I have the honor to inform Your Excellency that the Japanese military forces at Swatow have continued to occupy the premises of the Chinese Maritime Customs at that port for a period of more than two months.

It is the view of my Government that the actions, as set forth above, of the Japanese authorities at Swatow constitute an effective seizure of the Chinese Maritime Customs at Swatow. I am, accordingly, desired by my Government to protest against such seizure and continued occupation of the customs house which prejudice the integrity of the Chinese Maritime Customs. My Government takes this occasion to reiterate and further to emphasize to the Japanese Government its very real interest in the preservation and integrity of the Chinese Maritime Customs and in the safeguarding of the customs revenues.
 I avail myself, (etc).

Eugene H. Dooan

Foreign Relations I, pp. 748-749

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駐日米大使館参事官 (ドウマン) / DOOMAN / ミリ日本
外務大臣 (阿部) ()

抜 萃

ホ一三六六

東京 一九三九年九月一日

閣下私ハ閣下ニ以下ノ事ヲ付率報告申上ケル事ヲ光栄トスルモゾ
アリマス。即チ汕頭ニ於ケル日本陸軍が同遷ニ於ケル支那海関建物
及其構内ヲ五月以上ノ期間ニ亘リ引續キ占領シテ中ノ事デアリ
マス。.....

汕頭ニ於ケル日本官憲ノ上述ノ如キ行動ハ我政府自見解ニヨリ汕頭
支那海関等実上ノ接收ヲ構成スルモノデアリマス。後ツテ私ハ我政府
カラ支那海関保全ヲ望ムル右税関ノ斯カル接收並ニ継続的占
領ニ對シ抗議ヲ申シムル格ニ要請サレシタ。吾ガ政府ハ此機會ニ
於テ支那海関保全並ニ税関收入ノ保護ニ對シ深甚ナル関
ヲ持ツコトヲ望ムテ日本政府ニ對シ申入シ且更ニ之ヲ強調セシ
スルモノデアリマス。

外交関係一 PP. 七四八—七四九

Eugene H. Dooman

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